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6 IN THE UNITED STATES DISTRICT COURT

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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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HALEY DARIA,

Plaintiff,

v.

SAPIENT INC, *et al.*

Defendants.

No. C 17-05453 WHA

**ORDER DENYING MOTION  
FOR APPOINTMENT OF  
COUNSEL AND DISMISSING  
CLAIMS SUA SPONTE**

16 Pro se plaintiff Haley Daria moves for appointment of counsel. Generally, a person has  
17 no right to counsel in civil actions. *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009).  
18 However, a court may under “exceptional circumstances” appoint counsel for indigent civil  
19 litigants pursuant to 28 U.S.C. 1915(e)(1). *Ibid.* To determine whether “exceptional  
20 circumstances” exist, a court must consider “the likelihood of success on the merits as well as  
21 the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal  
22 issues involved.” *Ibid.*

23 Having reviewed Daria’s filings, it is clear that she is not likely to succeed on the merits  
24 of her claims. Indeed, by her own admission she has pursued numerous similar claims in state  
25 court, which have failed and have resulted in her designation as a vexatious litigant in the  
26 California Courts (Dkt. No. 14-1; Vexatious Litigant List, Administrative Office of the Courts  
27 of the State of California). Her opaque and prolix complaint is only “complex” by her own  
28 making, and does not contain legal issues meriting the appointment of counsel. Accordingly,  
her motion for appointment of counsel is **DENIED**.

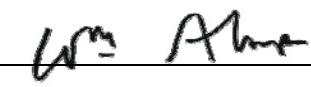
1           Additionally, this order finds that dismissal of Daria's entire complaint is now  
2 appropriate.

3           Daria filed a similar complaint based on the same basic underlying allegations against  
4 the same defendants in 2015 before Magistrate Judge Donna Ryu *Haley Daria v. Kathleen*  
5 *Hurly, et al.*, Case No. 15-cv-00970 DMR. Judge Ryu first dismissed plaintiff's complaint,  
6 noting that it was "impossible to determine a clear basis for her claims as the amended  
7 complaint consists of incoherent statements about incidents, documents, and prior lawsuit(s)  
8 without any context or background. It is also impossible to determine what facts support each  
9 cause of action." *Id.* Dkt. No. 8 at 3. Plaintiff then amended her complaint, but it suffered from  
10 similar defects, and accordingly Judge Ryu dismissed the action. *Id.* Dkt. No. 12. Judge Ryu  
11 then revoked Daria's *in forma pauperis* status on appeal finding that there were no valid  
12 grounds for appeal, and the appeal was not taken in good faith. *Id.* Dkt. No. 16. Subsequently,  
13 plaintiff abandoned her appeal.

14           Daria now appears to attempt an end-run around the appeals process by filing a highly  
15 similar complaint in this Court. For the same reasons set forth in Judge Ryu's order dismissing  
16 plaintiff's action, this order finds that plaintiff has failed to state a claim upon which relief can  
17 be granted, and therefore her action is **DISMISSED**. The Clerk **SHALL CLOSE THE FILE**.

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19           **IT IS SO ORDERED.**

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22           Dated: November 6, 2017.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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